

Chairman James Henderson called the meeting to order at 6:30pm at the Harpswell Town Office on Mountain Road. Henderson introduced the members present: Howard Nannen, Roland Weeman, Linda Toothaker, and associate members Robert White and Don Rogers. Member John Papacosma was absent. Planner Tony Dater, Planning Assistant Debora Levensailor, and Attorney John Bannon, Town Attorney for this issue, were also present.

Donna Frisoli of Harpswell Community TV taped the public portion of the meeting. The **agenda for the meeting** was published in "The Times Record" on June 14, 2001.

Henderson said the Board was meeting for purposes of discussing an issue regarding right title or interest of the recent subdivision application of Envision Realty, L.L.C., Tax Map 1-3, Skolfield Farm Shores before the Board from January 17, 2001 through May 16, 2001. Henderson said there would be no decisions made in tonight's executive session.

Henderson appointed associate member Robert White as a full voting member for tonight's meeting in place of absent member John Papacosma.

Nannen stated, "I move that the Board go into executive session so that it may consult with the Town Attorney about the Board's legal rights and duties, as well as possible litigation, concerning the Skolfield Farms Subdivision, because this is a matter where (a) the Town Attorney's duties to the Town pursuant to the Maine Bar Rules clearly conflict with the Freedom of Access Law, and (b) premature general public knowledge of the matters to be discussed would clearly place the Town at a substantial disadvantage. Therefore, I move that we go into executive session." Weeman seconded the motion. Henderson voted in favor of the motion. Nannen voted in favor of the motion. Weeman voted in favor of the motion. Toothaker voted in favor of the motion. White voted in favor of the motion. **The vote was unanimous to approve the motion.**

Two members of the public came in to the meeting and Henderson explained that the Board was about to go into executive session, and that the members of the public who were present would need to leave the meeting. He said they could return later for the public portion of the meeting. The Board adjourned into executive session at 6:50pm. The tv camera and the tape recorder were turned off.

At 9:10pm White stated, "I move that the Board come out of executive session." Weeman seconded. **The vote was unanimous to approve the motion (motion carried, 5-0).** The Board came out of executive session at 9:10pm.

Henderson reopened the public meeting. Donna Frisoli of Harpswell Community TV returned to film the rest of the meeting. The tape recorder was turned back on.

Henderson said the Board had been in executive session speaking with the Town Attorney about Envision Realty, L.L.C.'s proposed subdivision application. He said the Board had discussed action the Town may or may not take. Henderson asked, "Does the Board want to make an immediate recommendation to the Selectmen, have another meeting, or take no action?"

Henderson said that during the executive session, Selectman George Swallow and Selectman David Mercier had come into the meeting, and the Board, because there was no choice, respectfully requested that they leave, which the Selectmen willingly did. Henderson said there was no discussion of the executive sessions issues with Selectmen Swallow or Selectman Mercier, and there was no public participation in the executive session.

Weeman stated, "I move that the Board hold an executive session with the Board of Selectmen regarding views and information we have discussed, and to discuss those issues with them, and it's imperative that it be an executive session because of legal consequences the Selectmen need to be aware of. There would be a formal public notice of that executive session." Toothaker seconded. **Carried, 5-0.**

Weeman stated, "I move that the Board meet with the Board of Selectmen and any administrative staff that may be involved in the issues we are discussing, on July 5, 2001 at 6:30pm at the Harpswell Community TV Studio." White seconded. **Carried, 5-0.**

Weeman moved to adjourn the meeting. White seconded. **Carried 5-0.**

Henderson adjourned the meeting at 9:25pm.

Respectfully submitted,

Debora A. Levensailor
Harpswell Planning Assistant